



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

---

In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

BCS/174183

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed May 5, 2016, under Wis. Stat., §49.45(5)(a), to review a decision by Milwaukee Enrollment Services to deny Medical Assistance (MA), a hearing was held on June 1, 2016, at Milwaukee, Wisconsin, with the parties appearing by telephone.

The issue for determination is whether petitioner and his wife are eligible for BadgerCare Plus (BC+) MA.

**PARTIES IN INTEREST:**

Petitioner:

Robert C. Tuckwell  
9508 W. Silver Spring Dr.  
Milwaukee, WI 53225

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Milwaukee Enrollment Services  
1220 W. Vliet Street  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner applied for MA on April 10, 2016 for a household that included his wife and two children. The only income was from petitioner's wife's job, with a monthly income of \$2,507.50.
3. By a notice dated April 18, 2016, the agency informed petitioner that his children were eligible for BC+ with no premium. BC+ for petitioner and his wife was denied because income was above the limit.

### DISCUSSION

Prior to April 1, 2014, the income limit for BC+ was 200% of the FPL. State law changed effective April 1, 2014. As of that date the limit for caretaker parents was reduced to 100% of the Federal Poverty Level (FPL), which, for a four-person household, is \$2,025. See Wis. Stat., §49.471(4)(a)4.b for the new law, and the BC+ Handbook, Appendix 50.1 for the limit. The limit for children is 306% of the FPL; there are no premiums for children if income is below 201% of the FPL. 201% of the FPL for a four-person household is \$4,070.25. Petitioner's counted monthly household income was \$2,507.50.

As can be seen, household income is over the limit for adults by almost \$400. Petitioner testified that his wife's income is somewhat lower than the county entered, but even his estimate of approximately \$2,300 is above the 100% of FPL figure.

I must conclude that the denial of BC+ for petitioner and his wife was correct. Petitioner's wife would have to get insurance from the Marketplace.

### CONCLUSIONS OF LAW

Petitioner's household income is over the BC+ limit for adults, and thus only his children are eligible for BC+.

**THEREFORE, it is**

### ORDERED

That the petition for review is hereby dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 9th day of June, 2016

---

\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on June 9, 2016.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability